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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,058	10/26/2001	Michael Mulligan	NOKM.016PA	3896

7590

08/24/2005

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,058

Applicant(s)

MULLIGAN, MICHAEL

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 36 is/are allowed.
6) ☒ Claim(s) 1-35 and 37-39 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL ACTION

1. This office action is responsive to amendment filed on 6/3/2005. Claims 1-39 are presented for examination.

2. Claim 36 is allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 8-31, 33-35, 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg et al. (2003/0013434), hereinafter Rosenberg.

5. As to claims 1, 24 and 38, Rosenberg discloses the invention as claimed, including a method for provisioning mobile terminals (wireless device, 30, fig. 1; 38, fig. 2) (page 1, [0011]; page 2, [0014]-[0015]) for use of applications offered by one or more network services on a network (access web pages and other Internet content on a

network; page 1, [0008]; page 2, [0015]), comprising:

interfacing at least one mobile terminal wireless device (30, fig. 1; 38, fig. 2; page 3, [0044]) to at least one network service (Internet service, 32, 33, fig. 1; 37, fig. 2) via a provisioning Web service (automatically activating wireless services on a wireless device; page 1, [0001]; page 2, [0013], [0017]; automatically provisioning wireless services on a wireless device; page 2, [0019], [0020]), wherein the provisioning Web service is implemented using Web Services (wireless service provider to enable a wireless device user to select a wireless service plan on a web site; page 2, [0015]) and provides a single point of interface to the network service (37, fig. 2) for provisioning the mobile terminal (activation process; page 1, [0011]; page 2, [0014]-[0015]; provisioning wireless services on a wireless device; page 2, [0019]) and

provisioning the mobile terminal by the provisioning Web service for use of at least one application provided by the network service (email application; page 2, [0025]; page 3, [0027]), wherein the provisioning comprises configuring the mobile terminal for use of the application (depending on the type of wireless device; page 7, [0087]; wireless device may be any wireless device capable of accessing voice, data, and Internet content...wireless device may be equipped with Internet access software; page 4, [0051]) and delivering the application to the mobile terminal (transmits the web pages and other Internet content to wireless devices; page 3, [0046]).

6. As to claims 2 and 3, Rosenberg discloses establishing a network connection between the network service (Internet service, 32, 33, fig. 1; 37, fig. 2) and a Web

services endpoint (web server; 50, fig. 4) associated with the provisioning Web service, which terminates Web service protocols (Internet protocol; page 5, [0060]).

7. As to claim 8, Rosenberg discloses delivering the application via a data object delivery module of the provisioning Web service (transmits the web pages and other Internet content to wireless devices; page 3, [0046]).

8. As to claims 9-13, Rosenberg discloses comparing data object variants offered by the application with a terminal type of the mobile terminal to determine a suitable data object to deliver for the terminal type of the mobile terminal (device-specific information; page 2, [0023]).

9. As to claims 14-18, Rosenberg discloses sending appropriate configuration settings to the mobile terminal comprises sending the configuration settings to the mobile terminal via a terminal management server (wireless service provider registers the wireless device on user databases, servers and system; page 1, [0011]; page 2, [0014]-[0015]).

10. As to claims 19 and 20, Rosenberg discloses Internet or Intranet (31, 32, fig. 1).

11. As to claim 21, it is rejected for the same reasons set forth in claim 1, 24 and 38 above. In addition, Rosenberg discloses Web service data object delivery module

coupled to the Web service interface to deliver the applications to successfully configured mobile terminals as part of the provisioning procedures (transmits the web pages and other Internet content to wireless devices; page 3, [0046]).

12. As to claims 22 and 23, Rosenberg discloses Web service interface, Web service mobile terminal configuration module (wireless service provider registers the wireless device on user databases, servers and system; page 1, [0011]; page 2, [0014]-[0015]), and Web service data object delivery module (transmits the web pages and other Internet content to wireless devices; page 3, [0046]).

13. As to claims 30 and 33-35, Rosenberg discloses terminal management module to configure the application use settings on the mobile terminal to allow connectivity of the mobile terminal to the network service (device-specific information; page 2, [0023]; depending on the type of wireless device; page 7, [0087]; wireless device may be any wireless device capable of accessing voice, data, and Internet content... wireless device may be equipped with Internet access software; page 4, [0051]).

14. As to claim 31, Rosenberg further discloses a cache for storing the application (database; 53, 54, fig. 4).

15. As to claim 39, it is rejected for the same reasons set forth in claims above. In addition, Rosenberg discloses a computer-readable medium having computer-

Art Unit: 2154

executable instructions for provisioning mobile terminals (fig. 3; 50, fig. 4).

16. As to claims 25 and 26, they are rejected for the same reasons set forth in claims 2 and 3 above.

17. As to claims 27-29, it is rejected for the same reasons set forth in claims 9-13 above.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (2003/0013434), in view of Scott Seely "Web Service description and Discovery Using UDDI, Part II", Microsoft Corporation.

20. Seely was cited by examiner on PTO-892 in the prior office action dated 10/22/2003.

21. As to claims 4-7, Rosenberg does not specifically disclose the Simple Object

Access Protocol (SOAP), UDDI, and WSDL. However, Rosenberg discloses one or more of a wide variety of communication protocols (col. 6, lines 20-23). Seely discloses UDDI (fig. 1; page 1) and SOAP (page 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Moles and Seely because the SOAP is known as a XML based protocol (i.e., communication protocol) that provides the Internet Web service.

22. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (2003/0013434), Scott Seely, further in view of Rankin (2003/0207685).

23. As to claim 32, Rosenberg discloses notifying the mobile terminal that the application is available at the data object deliver module (device-specific information; page 2, [0023]; depending on the type of wireless device; page 7, [0087]; wireless device may be any wireless device capable of accessing voice, data, and Internet content...wireless device may be equipped with Internet access software; page 4, [0051]). However, Rosenberg and Seely do not specifically disclose if the mobile terminal is not capable of direct delivery receipt by the data object delivery module and to provide an address of the application at the data object delivery module. Rankin discloses if the mobile terminal is not capable of direct delivery receipt by the data object delivery module and to provide an address of the application at the data object delivery module (page 3, [0038]; page 4, claims 8, 17 and 18). It would have been

Art Unit: 2154

obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rosenberg, Seely and Rankin because Rankin's determining the mobile terminal is not capable to receive the data would improve quality of service of Rosenberg's system by allowing the network service provider to aware of capability of mobile terminal prior to transmission the data.

24. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (2003/0013434), in view of Rankin (2003/0207685).

25. As to claim 37, it is rejected for the same reasons set forth in claims 1, 8, 14-18, 24 and 38 above. In addition, Rosenberg discloses notifying the mobile terminal that the application is available at the data object deliver module (device-specific information; page 2, [0023]; depending on the type of wireless device; page 7, [0087]; wireless device may be any wireless device capable of accessing voice, data, and Internet content...wireless device may be equipped with Internet access software; page 4, [0051]). However, Rosenberg does not specifically disclose if the mobile terminal is not capable of direct delivery receipt by the data object delivery module and to provide an address of the application at the data object delivery module. Rankin discloses if the mobile terminal is not capable of direct delivery receipt by the data object delivery module and to provide an address of the application at the data object delivery module (page 3, [0038]; page 4, claims 8, 17 and 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of

Art Unit: 2154

Rosenberg and Rankin because Rankin's determining the mobile terminal is not capable to receive the data would improve quality of service of Rosenberg's system by allowing the network service provider to aware of capability of mobile terminal prior to transmission the data.

26. Applicant's arguments filed on 6/3/2005 have been fully considered but they are not persuasive.

27. In the remarks, the applicant argued in substance that:

(1) Thus, Rosenberg does not teach provisioning the terminal via a provisioning Web service, because Rosenberg clearly teaches provisioning the terminal manually.

28. Examiner respectfully traverses applicant's remarks:

As to point (1), examiner respectfully disagrees since Rosenberg clearly teaches that provisioning the terminal **automatically** (automatically activating wireless services on a wireless device; page 1, [0001]; page 2, [0013]; wireless service provider to automatically register a wireless device on a wireless network and provision wireless services for the wireless device without requiring the user to interact with a customer service representative to activate the services; page 2, [0017]; **automatically provisioning wireless services on a wireless device**...the wireless services includes cellular phone service, email, Internet access...; page 2, [0019], [0020]; page 4, [0051]; Title: system and method for automatically provisioning wireless services on a wireless

device).

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


Art Unit: 2154

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC
August 22, 2005


8/22/05